

Commissioner for Patents  
Page 12

Serial No.: 09/974,907

### REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

#### *Claim Rejection – 35 USC §112*

The Office Action rejected claim 9 as dependent on itself. Applicant has amended claim 9 to depend from claim 8. The rejection is thereby traversed.

#### *Claim Rejection – 35 USC §102*

The Office Action rejected claims 1-7, 10-13, 17-22, 26-28, and 31 as being anticipated by United States Patent Application 2002/0191247 to Lu et al.

Lu et al. teach a wavelength divisions multiplexed optical network having a restoration process to re-route one or more of the wavelengths by dynamically determining possible restoration routes, and re-routing each wavelength along a chosen one of the possible restoration routes. Optical characteristics (Fig. 6) that provide information about the possible restoration routes are used in the route selection process.

Independent claim 1 has been amended to claim a constraint-route validator for verifying that the at least one wavelength is viable by calculating a link budget and determining settings for transmission equipment that supports the communications channel between A and B. Support for this amendment is found in paragraph 49. No new matter has been added. This is neither taught nor suggested by Lu et al. The rejection of claims 1-7, 10-13 and 17 is thereby traversed.

Independent claim 18 is amended to claim a method for adaptive wavelength re-routing in which properties of transmission equipment for supporting the plausible communications channel to ensure a viability of the plausible communications channel is verified by calculating a link budget and determining settings for the transmission equipment for supporting the communications channel. This is likewise neither taught nor suggested by Lu et al. and the rejection of claims 18-22, and 26-28 is likewise traversed.

Independent claim 31 is also amended and now claims a constraint-based route validator that verifies a viability of the at least one wavelength by calculating a link budget and determining settings for the transmission equipment for supporting the

Commissioner for Patents  
Page 13

Serial No.: 09/974,907

communication channel, and effects the set up of the communications channel between A and B, if the viability is verified. As noted above with reference to claims 1 and 18, Lu et al. fail to teach or suggest a constraint-based route validator, much less a constraint-based route validator that calculates a link budget and determines settings for the transmission equipment for supporting the communications channel. The rejection of claim 31 is thereby likewise traversed.

Claims 8, 13 and 14 are amended to accord with amended claim 1.

Claims 25-28 are amended to correct typographical errors and accord with amended claim 18.

*Allowable Subject Matter*

Applicant gratefully acknowledges the allowance of the subject matter of claims 8, 14-16, 23-25, and 29-30. However in view of the above-noted amendments, each of claims 1-31 are now considered to be in a condition for allowance.


Paragraph 1 of the specification has been amended to make reference to the provisional application from which priority is claimed. Paragraphs 10, 11, and 28 have been amended to correct minor typographical errors.

Commissioner for Patents  
Page 14

Serial No.: 09/974,907

Applicant submits that in view of the amendments made to claims 1, 9, 10, 13, 14, 18, 25-28 and 31 and for reasons set forth above in detail, claims 1-31 are now in a condition for immediate allowance. Favorable reconsideration and early issuance of a Notice of Allowance are therefore requested.

Respectfully submitted,

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